

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

MARY ELLEN SHERRIER,
d/b/a HEDDA HAIR,
RESPONDENTS

FINAL DECISION AND ORDER
95 BAC 067

LS9704222 BAC

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Mary Ellen Sherrier
d/b/a Hedda Hair
P.O. Box 786
Williams Bay, WI 53191

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P. O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Mary Ellen Sherrier (D.O.B. 09-03-48), 21 Lackey Dr., Williams Bay, WI 53191, is duly licensed as a barbering and cosmetology manager in the state of Wisconsin (license #26031). This license was first granted on March 29, 1995.

2. Hedda Hair, P. O. Box 786, Williams Bay, WI 53191, is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license #23815). This license was first granted on October 24, 1994.

3. Ms. Sherrier is listed with the Department of Regulation and Licensing as the owner of Hedda Hair. As owner and manager, Ms. Sherrier was and is responsible for compliance with ch. 454, Stats. and chs. BC 2, 3 and 4 of the Wisconsin Administrative Code.

4. On exact dates unknown, but beginning at least on June 14, 1996 and continuing on through at least January 28, 1997, Mary Ellen Sherrier rented a chair to Mary E. Rollman, who is licensed as a barbering and cosmetology practitioner (license #44176). At no time relevant to this action was Mary E. Rollman licensed as a barbering and cosmetology manager nor did she hold an establishment license for the chair she was renting from Ms. Sherrier.

5. On exact dates unknown, but beginning at least on June 14, 1996 and continuing on through at least January 28, 1997, Mary Ellen Sherrier rented a chair to Michelle A. De Vries, who is licensed as a barbering and cosmetology practitioner (license #74105). At no time relevant to this action was Michelle A. De Vries licensed as a barbering and cosmetology manager nor did she hold an establishment license for the chair she was renting from Ms. Sherrier.

6. In resolution of this matter, Ms. Sherrier consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in ¶¶ 4 and 5, above, Mary Ellen Sherrier, as owner and manager of Hedda Hair, has violated sec. 454.15(2)(i), Stats., and Wis. Admin. Code §§ BC 2.04, 2.06(1) and BC 2.08(1)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Mary Ellen Sherrier (license #26031) is **REPRIMANDED**.

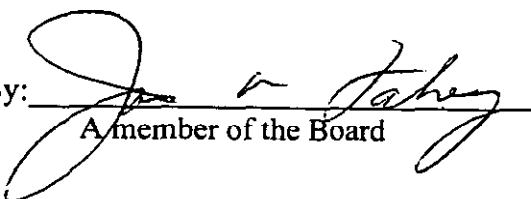
IT IS FURTHER ORDERED that Mary Ellen Sherrier shall pay to the Department of Regulation and Licensing a forfeiture of FIVE HUNDRED dollars (\$500.00). Payment shall be submitted within sixty (60) days from the date of this order. Payment shall be made by *certified check or money order*, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708.

IT IS FURTHER ORDERED that in the event Mary Ellen Sherrier fails to timely submit payment of the forfeiture as set forth above, the manager license Ms. Sherrier (license #26031) **SHALL BE SUSPENDED**, without further notice or hearing, until Ms. Sherrier has complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

WISCONSIN BARBERING AND COSMETOLOGY
EXAMINING BOARD

By: 
A member of the Board

Date 6/2/97

STATE OF WISCONSIN
BEFORE THE BARBERING AND
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

MARY ELLEN SHERRIER,
d/b/a HEDDA HAIR,
RESPONDENTS

STIPULATION
95 BAC 067

It is hereby stipulated between Mary Ellen Sherrier, d/b/a as Hedda Hair, and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (95 BAC 067). Ms. Sherrier consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Sherrier understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence, the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.


3. Ms. Sherrier is aware of her right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Ms. Sherrier agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the attached order, if adopted in the form as attached.

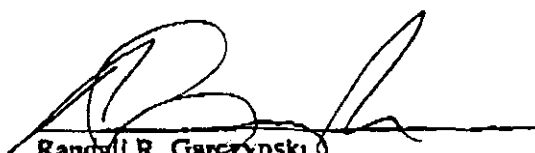
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6 The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Barbering and Cosmetology Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the Board may have in connection with their deliberations on the stipulation.

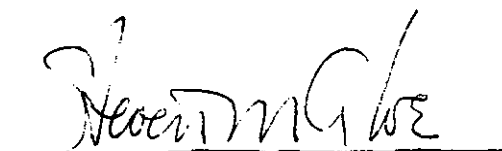
7. The Division of Enforcement joins Ms. Sherrier in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Mary Ellen Sherrier
d/b/a Hedda Hair

5-21-97
Date


Randall R. Garczyński
Attorney for Mary Ellen Sherrier

5-28-97
Date


Steven M. Gloe, Attorney
Division of Enforcement

6.2.97
Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416 hearing or speech
TRS# 1-800-947-3529 impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On June 2, 1997, the Barbering and Cosmetology Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: _____ Case #: _____

The amount of the forfeiture is: \$500.00 Case # LS9704222BAC

Please submit a check or a money order in the amount of \$ 500.00

The costs and/or forfeitures are due: August 1, 1997

NAME: Mary Ellen Sherrier, d/b/a Hedda Hair LICENSE NUMBER: 26031

STREET ADDRESS: P.O. Box 786

CITY: Williams Bay STATE: WI ZIP CODE: 53191

Check whether the payment is for costs or for a forfeiture or both:

 COSTS X FORFEITURE

Check whether the payment is for an individual license or an establishment license:

 X INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

For Receipting Use Only

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G\BDLS\FM2145.DOC

Committed to Equal Opportunity in Employment and Licensing+

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Mary Ellen Sherrier,
d/b/a Hedda Hair,

AFFIDAVIT OF MAILING

Respondent.

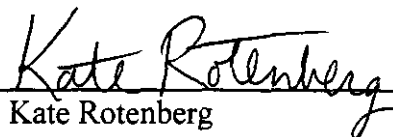
STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

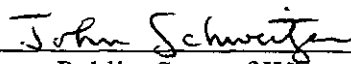
2. On June 3, 1997, I served the Final Decision and Order dated June 2, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9704222BAC, upon the Respondent Mary Ellen Sherrier's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 546.

Randall R. Garczynski, Attorney
6 S. Church Street
Elkhorn WI 53121


Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 3rd day of June, 1997.


Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

June 3, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)